

# Notice of Allowability

Application No.

10/028,853

Applicant(s)

YOUNG

Examiner

GROSZ

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3673

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to AMEND DATED 10/17/03

☒ The allowed claim(s) is/are 1-4, 7-14

☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a) ☐ The translation of the foreign language provisional application has been received.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted above. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☒ CORRECTED DRAWINGS must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☒ hereto or 2) ☐ to Paper No. \_\_\_\_\_

(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

Notice of References Cited (PTO-892)

Notice of Draftsperson's Patent Drawing Review (PTO-948)

Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_

Examiner's Comment Regarding Requirement for Deposit of Biological Material

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☒ Interview Summary (PTO-413), Paper No. 1

6 ☒ Examiner's Amendment/Comment

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr Price on 1/7/04.

2. The application has been amended as follows:

In amendment "B 2", located on page 2 of paper no.6, dated 4/30/03, in line 7, after "10."

insert:

D<sup>1</sup> - As best seen in figures 1-3, the first layer 10 defines a container of elongated configuration having upper and lower circular ends, with fastening means located in one of the circular ends, with the fastening means spaced from the circumference of the circle defining a circular end.-

In amendment "B 4", line 5, change "Velcro. RTM" to:

✓-VELCRO-

On page 2, after amendment "C 1" insert:

D<sup>2</sup> -Fig. 6 illustrates a further folding of the second layer.

Fig.7 illustrates the second and third layers contained within the first layer. -

In the Abstract, line 7, change "portably" to:

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~~/~~ -portable-, and delete line 8.

In claim 1, line 13 delete -defining.....(20)-; in line 20 change "having a circular configuration" to:

3 -has an elongated configuration having upper and lower circular ends, with the fastening means located on one of said circular ends, spaced from the circumference thereof-

~~/~~ In claims 3 AND 9, lines 2, change "type" to:

-foam-.

~~/~~ In claims 4 AND 10, change "is" to:

-are-.

~~/~~ In claim 7, line 6, delete "diagonally".

In claim 7, line 13 change "having a circular configuration" to:

4 -has an elongated configuration having upper and lower circular ends, with the fastening means located on one of said circular ends, spaced from the circumference thereof-

In claim 11, line 11 change "said shape is a cylindrical shape" to:

5 -said first layer has an elongated configuration with upper and lower circular ends, with the slit closure located in one of said circular ends, spaced from the circumference thereof-

In claim 13, lines 1,2 delete "is on a .....shape and", and in line 2 change "said " to: -a-.

3. ~~/~~ The following is an examiner's statement of reasons for allowance:

The crowded prior art of record fails to teach or suggest the now claimed closure, positioned on a circular end of the first layer, spaced from the circumference thereof.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Grosz whose telephone number is <sup>571-272-7041</sup>~~(703) 308-2498~~.

ag

January 7, 2004

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ALEXANDER GROSZ  
PRIMARY EXAMINER

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